

### **REMARKS**

Claims 1-9 are pending in this application after this amendment. Claims 1 and 5 are independent. New claim 9 is presented for consideration by the Examiner. No new matter has been added by the addition of new claim 9. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-2 under 35 U.S.C. §102(b) as being anticipated by Numazu (USP 5,765,082); rejected claims 3, 5-7 under 35 U.S.C. §103(a) as being unpatentable over Numazu in view of Futoshi; and rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Numazu in view of alleged well known art. Applicants respectfully traverse these rejections.

#### **Claim Rejections – 35 U.S.C. §102**

In support of the Examiner's rejection of claim 1, the Examiner now relies on the teachings of Numazu to teach all of the elements of claim 1.

Specifically, the Examiner asserts in the outstanding Official Action on page 3, paragraph 2 as follows:

Re claim 1, Numazu discloses an image forming apparatus (see figure 1A) comprising: a plurality of image carriers (see 41a, 41b, etc. in figure 1A) arranged in a sheet transporting direction (direction H, see figure 1A); and a transfer unit (see figure 3)... wherein the transfer unit has a rotary fulcrum (see element 62, 63, figures 1-2) positioned outside the belt (see figures 1-2) and in the vicinity of an extension of the axis of a transfer member located on one end portion in the sheet transporting direction...

Applicants cannot discern which elements of Numazu the Examiner is relying upon to teach the "transfer unit" as required by claim 1. The Examiner merely cited to Fig. 3. Applicants respectfully request that should the Examiner maintain his rejection of this claim, the Examiner specifically identify what portions of Numazu the Examiner is relying upon to teach this claim element in a new, non-final Official Action so that Applicants may have a proper opportunity to respond.

Applicants respectfully disagree that the teachings of Numazu are sufficient to anticipate the elements recited in claim 1.

The disclosure of Numazu is directed to a color image forming apparatus having a shiftable transfer conveyor belt and attraction assisting roller. Fig. 3 of Numazu discloses an assembly that is the “image forming section” shown in Fig. 1A. Further, Fig. 3 of Numazu discloses a “movable arm 55” that “is vertically rotatable (swingable) around the supporting shaft 59 as indicated by a bi-directional arrow J in Fig. 1A (i.e., the arm 55 can swing in a direction which intersects the upper and lower horizontally extending portions of the conveyor belt 43), thereby moving the conveyor belt 43 via the movable support roller (col. 11, line 66 through col. 12, line 5).

Applicants assume that the Examiner is either relying on the “assembly” or the “movable arm 55” of Numazu to teach the transfer unit as required by the claim. Applicants respectfully submit that neither of these elements is sufficient to teach the transfer unit as recited in the claim.

Applicants submit that the assembly of Numazu is insufficient to teach the transfer unit as claimed. In Numazu, the cam 63 rotates around the support point 62, when switching between color printing mode and monochrome printing mode (col. 5, lines 27-39). Then, this rotation of the cam 63 moves the movable arm 55 upwardly or downwardly (col. 16, lines 52-67). This movement of the movable arm moves the conveyor belt 434 upwardly or downwardly (col. 15, lines 27-39, col. 16, lines 52-67).

However, when the cam 63 (relied upon to be the claimed rotary fulcrum by the Examiner) rotates around the support point 62 (also relied upon to be the claimed rotary fulcrum by the Examiner), the assembly itself (relied upon to teach the claimed transfer unit) **does not** rotate.

As such, since the assembly itself does not rotate, Numazu does not teach or suggest “wherein the transfer unit ... can be rotated on the rotary fulcrum in directions moving to and

from the image carriers,” and further “during a rotation of the transfer unit,” both as required by claim 1.

Applicants submit that the movable arm of Numazu is insufficient to teach the transfer unit as claimed. In Numazu, the movable arm 55 is an element that “has the aforementioned movable support roller 57 at its free end, and the roller 57 contacts the inner peripheral surface of the conveyor belt 43 between the driven roller (the first drive roller) 46 and the image transfer brush (image transfer means) 44a closest to the driven roller 46, thereby supporting the belt 43” (col. 11, lines 60-65).

On the other hand, a cam 63 is explained as control means that can rotate around a support point 62 (col. 12, lines 11-16). Numazu discloses “The cam 63 ... selectively moves the movable arm 55.” Thus, the cam 63 and the movable arm 55 are different parts of the apparatus of Numazu.

Thus, the movable arm 55 is **not provided** a cam 63 and a support point 62 that the Examiner asserts to teach the rotary fulcrum required by claim 1.

Thus, Numazu fails to teach “wherein the transfer unit has a rotary fulcrum positioned outside the belt and in the vicinity of an extension of the axis of a transfer member located on one end portion in the sheet transferring direction.

In addition to the above arguments, the Examiner asserts that rollers of Figs. 1-3 teach the transfer members of claim 1. However, Figs. 1-3 disclose many rollers having different functions. It is unclear from the Examiner’s rejection which rollers he is relying upon to teach the transfer members as required by claim 1.

Applicants respectfully submit that should the Examiner maintain his rejection of this claim, that the Examiner specifically identify what portions of Numazu the Examiner is relying upon to teach this claim element in a new, non-final Official Action so that Applicants may have a proper opportunity to respond.

Applicants maintain that the teachings of Numazu are sufficient to teach the transfer members as required by claim 1.

Numazu discloses “Image transfer brushes 44a, 44b, 44c, and 44d ... correspond to the four photosensitive drums 41a, 41b, 41c and 42, respectively” (col. 10, lines 31-35).

However, these image transfer brushes 44a, 44b, 44c, and 44d are “opposed to the photosensitive drums 41a, 41b, 41c and 42 with the conveyor belt 43 interposed therebetween, thereby forming image transfer portions” (col. 10 lines 45-49). Thus, it appears the Examiner may intend to be relying on the image transfer brushes rather than the rollers to teach the claimed transfer members.

However in Numazu, Fig. 1A, Fig. 5A and Fig. 5B may show that a distance between any two of the image transfer brushes 44a, 44b and 44c stays constant, before and after a movement of the movable art. But this is contrary to the teachings of Numazu, as a distance between one image transfer brush 44d and any one of image transfer brushes 44a, 44b and 44c is changed by the movement of the movable arm 55 because the movable arm 55 is secured to the frame 52 of the apparatus by a supporting shaft 59” (col. 11, lines 45-48).

As such, Numazu fails to teach or suggest “wherein a distance between any two of the transfer members stays constant during a rotation of the transfer unit,” as required by claim 1.

For all of the reasons set forth above, Applicants maintain that claim 1 is not anticipated by Numazu. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-4 and 6-9 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1.

### **Claim Rejections – 35 U.S.C. §103**

With regard to the Examiner's rejection of claim 5, the Examiner asserts that Numazu teaches all of the claim elements, except a supporter for supporting the transfer members so as to be rotatable and moveable in a radial direction, wherein the support has a rotary fulcrum. The Examiner relies on the teachings of Futoshi to cure the deficiencies of the teachings of Numazu.

However, for the reasons set forth above, Applicants maintain that Numazu fails to teach or suggest "wherein a distance between any two of the transfer members stays constant during a rotation of the transfer unit." Further, Numazu fails to teach "wherein the supporter has a rotary fulcrum positioned outside the belt and in the vicinity of an extension of the axis of a transfer member located at one end portion in a direction."

It is respectfully submitted that Futoshi fails to cure the deficiencies of the teachings of Numazu. Since neither of the cited references teach or suggest all of the claim elements, Applicants maintain that claim 5 is not obvious over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

### **Conclusion**

In view of the above remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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